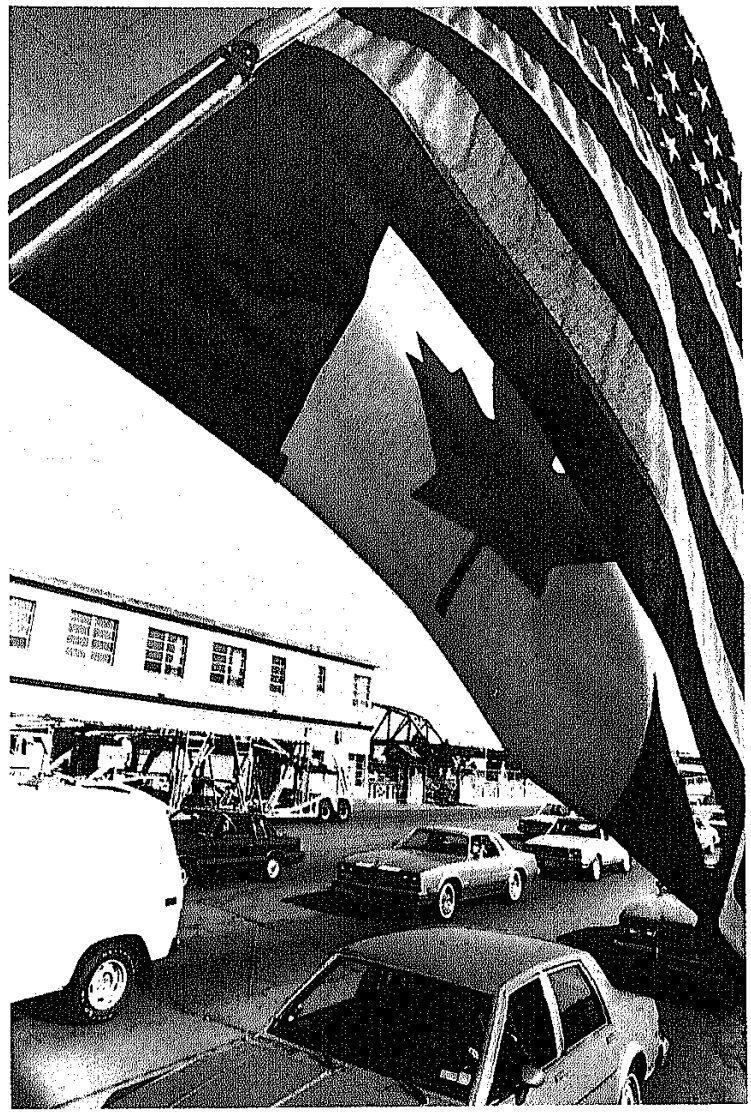
INS Reporter

Immigration and Naturalization Service U.S. Department of Justice Summer 1983



Buffalo's Approach to Better Service—AUTOPASS
Operation 'Bo-Fo-Co'
Regional Telephone Centers—A Pilot Program
Foreign Student Regulations
New Fee Schedule

INS Reporter

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United States Department of Justice
William French Smith, *Attorney General*

Immigration and Naturalization Service
Alan C. Nelson, *Commissioner*

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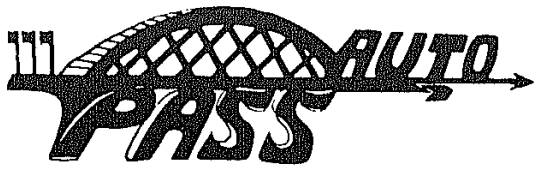
Cover: Nearly 14 million people enter the U.S. each year from Canada via the Peace Bridge at Buffalo, New York. The traffic flow peaks during the summer season and the volume of traffic results in long lines and lengthy delays for the public awaiting immigration inspection. The Buffalo District Office responded to the need for better service to the public with the introduction in 1982 of ATUOPASS—an accelerated system of land/border inspection.

Buffalo's Approach to Better Service— AUTOPASS

By John M. Bulger
Supervisory Immigration Inspector-In-Charge
Peace Bridge
Buffalo, New York



THE PEACE BRIDGE MAIN ENTRANCE TO U.S.A.

This sign, above the INS primary inspection area, greets those who enter the United States from Canada at Buffalo; New York.

For the one million residents of the Greater Buffalo Metropolitan Area; for the residents of Metro Toronto and Hamilton, Ontario; for the thousands who transit Canada enroute from Michigan to New York; and for the nearly 14 million people who passed under that sign in 1982, the Peace Bridge is the main entrance to the U.S.A. The traffic flow peaks during the summer season when daily traffic totals of 40,000 vehicles are not uncommon. The tremendous volume of traffic results in long lines and lengthy delays for the public. And, of course, a significant commitment of inspectional manpower is required on the part of both the U.S. Immigration and U.S. Customs Services.

In response to the need for better service to the public, and in an effort to operate in the most cost-effective manner, a study was undertaken by the Buffalo District Office in early 1982, to determine the feasibility of an accelerated system of land/border inspection. Despite the success of such systems at airports, it remained to be seen if such a system could be implemented on the land/border. The obvious problem to overcome was one of logistics: how to identify and segregate those vehicles whose occupants can be inspected quickly.

Such a system, if workable, would be of significant value to the public and to the Service.

AUTOPASS is the product of that study.

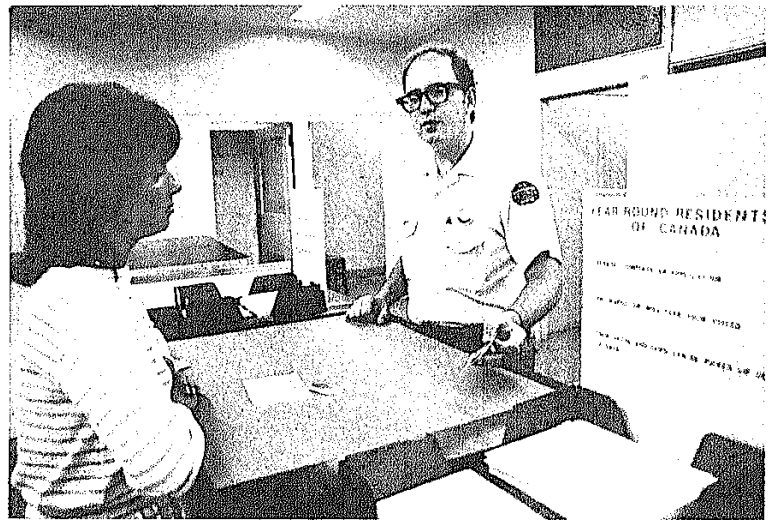
Joint Study

A joint study group, comprised of Immigration and Customs representatives, was established to identify traffic patterns and low-risk border-crosser profiles. A traffic survey was taken to identify those groups which crossed the border most regularly, the number of reguler crossers, and the time periods in which they crossed.

The survey indicated that the hours between 6 a.m. and 9 a.m. provided the most consistent traffic flow and the highest percentage of frequent crossers, with nearly 70 percent being regular commuters.

It is estimated that there are approximately 1,000 year-round commuters who enter the U.S. during those hours. This figure is increased to approximately 3,000 during the summer months due to the large number of Buffalonians who own summer residences in Canada.

A review of Customs and Immigration records revealed that the incidence of violations historically has been extremely low among those who cross the border between the hours of 6 a.m. and 9 a.m. on a regular basis. Accordingly, it was decided to target this group since they posed the least likelihood of violations, crossed the border most frequently, and would benefit most by an accelerated inspection system. Included in the profile were U.S. citizens who are landed immigrants in Canada, permanent resident alien commuters, and U.S. citizens who own summer residences in Canada.



After appropriate record checks are completed, the applicant is issued an instruction sheet, identification card, and a decal to be affixed to the rearview mirror of the car.

Development of an Operational System

The next step was the development of an operational system. For such a system to be feasible, two elements had to be included: 1) participating vehicles must be easily identifiable; and 2) the actual inspection process streamlined to an absolute minimum.

It was decided that a separate inspection lane would be used for AUTOPASS vehicles only and that a decal would be issued to be affixed to the rear-view mirror of the vehicle. This would make it easier to identify and direct participating vehicles, and to prevent non-participating vehicles from entering the AUTOPASS inspection lane.

In the early stages of planning, the cooperation of the Peace Bridge Authority was sought in maintaining an even flow of traffic in the AUTOPASS lane. Traffic direction was essential to the success of the program since any unauthorized vehicles using the lane would disrupt the flow and defeat the purpose of the new inspection system. Thus, the Bridge Authority agreed to provide a traffic director during the designated hours of operation.

To facilitate the inspection procedure, an identification card also was developed for use in the program. All U.S. citizen participants were issued the card. Permanent Resident Alien Commuters continued, of course, to use their Alien Registration Receipt Cards. The participants were instructed to show their card to the inspector and volunteer their Customs declaration. Use of AUTOPASS was limited to those who were making a negative declaration, and registrants agreed not to use AUTOPASS on those occasions when they were importing any merchandise.

Using this system, the inspection could be completed in less than five seconds. Furthermore, by segregating AUTOPASS vehicles, the flow of traffic should remain consistently fast with virtually no delays of more than a few seconds.

Signing Up

Sign-up for AUTOPASS began on June 7, 1982 at the Peace Bridge. In addition to local press coverage, informational hand-outs were distributed to potential registrants.

Interviews were conducted by Inspectors to determine basic eligibility. At the time of interview an application was completed and a photograph of the participant was taken. Applicants were instructed to return at a later date to pick up their decal and identification card. Record checks, including TECS, were made to identify high-risk applicants.

Less than one percent of those applying for AUTOPASS were identified as high-risks, based on prior records for drug related offenses or Customs violations.

When the applicants returned to pick up their decals, they were given an instruction sheet and a complete explanation of the inspection process.

The number of registrants approached 1,000, almost equally divided between summer residents and year-round residents of Canada.

The Peace Bridge Authority provides a traffic director to prevent unauthorized vehicles from entering the AUTOPASS lane located on the far left.

AUTOPASS Begins

On Monday, June 28, 1982, the initial day of AUTOPASS service, 205 registered vehicles entered through the AUTOPASS line. By the end of the week total AUTOPASS traffic had risen to 1,235 vehicles, an average of 247 per day. The number gradually increased throughout the summer culminating with an average of 424 vehicles per day during the final week of operation.

Traffic counts were maintained on a regular basis, using a tracking system divided into 15 minute segments. On many occasions, 90–100 vehicles were inspected in a 15 minute period. Even during these periods of peak activity, there were no traffic back-ups. Clearly, AUTOPASS has the potential to process in excess of 400 vehicles per hour. During the same time period, the maximum inspection rate is 15 seconds per vehicle, or 240 per hour.

Initially, unauthorized vehicles posed a bit of a problem, with some 68 entering the AUTOPASS lane on the first day of operation. As traffic became backed-up in other inspection lanes, the AUTOPASS lane became an attractive alternative to unauthorized vehicles, whose drivers at times ignored the traffic director. However, as Peace Bridge Authority personnel became more familiar with the system, their traffic direction became more effective and the problem was diminished. Also, as AUTOPASS use increased, fewer cars used the regular inspection lanes and, consequently, there was less reason for non-AUTOPASS drivers to enter the AUTOPASS lane.

In the final weeks of operation, AUTOPASS was handling approximately 25 percent of the total passenger vehicle traffic during the hours of 6:00 a.m. to 9:00 a.m.

Spot Checks

To ensure that AUTOPASS would not be used as a means to smuggle aliens or merchandise into the United States, a system of spot checks was developed. Inspectors assigned to this activity were instructed to thoroughly check 20–25 vehicles in as short a period of time as possible. The checks were conducted in an area adjacent to the primary inspection lines, but away from the normal traffic flow, so that the high-visibility of the inspectors spot checking would act as a deterrent to would-be violators. The Primary Inspectors were able to accomplish a steady flow of referrals for spot checks, with no undue delays. This also resulted in a more efficient use of valuable inspector time.

The groups chosen for the AUTOPASS program had, of course, been previously identified as low-risk and, historically, violations of either Immigration or Customs statutes have been virtually non-existent among these groups. In fact, hundreds of spot checks failed to uncover any violations of immigration laws.

There was, however, one "incident" involving undeclared merchandise. The driver, a U.S. citizen summer resident of Canada, made a negative customs declaration. A subsequent search of the vehicle revealed a small quantity of homegrown tomatoes which the subject claimed were an intended gift for his mother. Neither the tomatoes nor the vehicle were seized.

Final Analysis

In the final analysis, the test of the AUTOPASS concept must be rated as an unqualified success. Not only did AUTOPASS prove to be feasible, it proved to have tremendous potential for moving a large number of vehicles in a short period of time. It gives the Service the capability of processing in excess of 400 vehicles

Participants in AUTOPASS show their I.D. card to the inspector and volunteer their Customs declaration.

per manhour. Obviously, the potential savings resulting from such an increase in efficiency are substantial.

A less obvious, but nonetheless important effect of the program results from the segregation of low-risk persons. This concept allows the inspectors to concentrate their efforts on other applicants for admission. This is a well-established principle which has served as the basis for accelerated inspection systems at airports, and the principle is no less valid when applied to land/border operations.

Perhaps the real success story of AUTOPASS lies in the public reaction to the program. A survey was conducted of 200 regular AUTOPASS participants and the resonse was unanimously in favor of the program. Every respondent indicated that AUTOPASS was an improvement in our service. To the casual observer, a two or three minute daily delay while waiting for inspection may seem insignificant but, to the daily border-crosser, the elimination of that delay is a vast improvement. AUTOPASS also provided a measure of predictability that had not existed previously. Commuters have been accustomed to allowing an additional five to ten minutes for those occasions when traffic back-ups occur. The AUTOPASS program eliminated the need for that additional time.

Programs like AUTOPASS indicate a responsiveness to the needs of the public which projects a most favorable image of the Service. This has been recognized by elements of both the private and public sector. Favorable comments to AUTOPASS were received from the Mayor of the City of Buffalo, the Erie County Executive, and various other area legislators and public officials. Media reaction to AUTOPASS was extremely favorable and widespread, including virtually all television, radio stations and newspapers, as well as national coverage on a national cable news network. Representatives of several of this area's prominent law firms, medical groups, and major corporations participated in and commented most favorably on the program.

Perhaps, public reaction to AUTOPASS can be best summed up by the comment of one long-time border-crosser, "I've been using the Bridge for 40 years, and this is the best thing that ever happened." ■

Operation 'Bo-Fo-Co'

By Floyd B. Mohler
Patrol Agent-in-Charge

Theodore R. Nordmark and
Carl L. McClafferty
Border Patrol Agents
Border Patrol Station
Tucson, Arizona

In late 1982, Tucson Border Patrol Agents, working with the FBI, successfully executed operation "Bo-Fo-Co", an undercover operation which resulted in the arrests of nine principals and 15 illegal aliens on bribery charges.

On the face of it, this is not unusual. However, Bo-Fo-Co", an acronym for "Broken Fortune Cookie", evolved from what appeared to be a routine employer check for an illegal alien, to an attempted bribe of Border Patrol Agent Theodore Nordmark by an out of status treaty investor operating a Chinese restaurant in the Tucson area. Thereafter, the operation rapidly developed into two seperate, full-blown conspiracies to circumvent immigration laws, obtain valid immigration documents by illegal means, and to broker the services of immigration officers to other members of the Chinese community, with the threat of death, "should anything go wrong".

This was one of the most unusual cases ever investigated by INS Bor-

der Patrol Agents, and required the coordinated efforts of the FBI, the U.S. Attorney's Office, and INS suboffices in Tucson and Oklahoma City, Oklahoma, for its successful conclusion. The following events, which occurred between July and December 1982, illustrate the complex and convoluted nature of some of the cases in which our officers become involved.

Routine Employer Check

July 14—Information is received at the Tucson Border Patrol Station from Intelligence Agent William Brunell of the Tucson Sector, that two or three illegal aliens of Taiwanese extraction are employed at the New China Restaurant in Tucson.

July 19—Agent Theodore Nordmark goes to the restaurant to check the immigration status of CHIOU Chuang-Tien. Nordmark identifies himself as an Immigration Officer to Sally HAW, the cashier/receptionist, and asks if she is in charge. She replies that she is and Normark then asks to speak to the cook, CHIOU Chuang-Tien. Sally tells Nordmark that she has to talk to her husband, JAW HAW. She calls him on the phone and within 1–2 minutes, he arrives at the restaurant where he and several other Chinese employees become involved in a very animated conversation in Chinese. Sally enters the kitchen and as Nordmark attempts to follow her, CHIOU Chuang-Tien bursts through the door pushing Nordmark against the wall and flees through the west entrance to the restaurant. Nordmark attempts to apprehend the fleeing cook but is unable to overtake him.

Nordmark returns to the restaurant and asks to speek to Sally. He is told that Sally hes also left. Nordmark checks the status of Sally's husband, Jaw Haw, and finds that he is an F–1 student in status. He advises Jaw Haw that he wants to speak to Sally as soon as possible. Nordmark leaves his name and phone number with Haw and asks that he contact him when Mr. Chiou returns to the restaurant.

[If Mr. Chiou hed not run from Agent Nordmark, perhaps the following events would have never occurred.]

July 27—Nordmark continues trying to locate Chiou. Nordmark returns to the New China with his partner, Border Patrol Agent Carl L. McClafferty. They attempt to locate Sally Haw and Chiou but are unable find anyone who knows either of them. Nordmark and McClafferty proceed to the University of Arizona to speak to Jaw Haw regarding the whereabouts of his wife. They locate him at his apartment near the University campus and ask him where Sally is. Haw replies that he does not know.

July 28—Jaw Haw and Sally Haw, accompanied by an Amoi and James CHEN, present themselves at the Tucson Border Patrol Station as requested by Nordmark and McClafferty. The Chens identify themselves as the owners of the New China Restaurant and Flamingo Hotel and say they have accompanied the Haws to the Tucson Border Patrol Station as concerned family members. It is determined that Sally Haw, an F–2 spouse of a student, is in violation of her status since she is employed without INS permission. Therefore, she is scheduled for a deportation hearing and released on her own recognizance, in lieu of bond, by the Phoenix District Office, based on her ties and equities in the U.S.

August 3—Chiou's car is observed parked in front of the New China by Nordmark and McClafferty. They enter the restaurant, identify themselves as Immigration Officers and request permission to check the kitchen. Granted permission they enter the kitchen and find SHIH Shih-Chen, an out of status, non-English speaking B–2 overstay who is working as a cook. With the assistance of James Chen, they are able to determine the cook's immigration status and he is placed under arrest.

Nordmark and McClafferty are also able to identify several other suspected illegal Chinese subjects by documents, clothing and other clues that are produced by Mr. Shih while obtaining his personal belongings from his motel room. Shih is taken to the Tucson Border Patrol Station and is processed for Order to Show Cause and Warrant of Arrest. An immigration bond is set at $5,000.

August 4—An Agent of Amoi and James Chen attempts to get the bond lowered for Shih by direct contact with Nordmark and McClafferty. He is told that the Phoenix District Office has control over bonds and he should contact that office regarding any bond reduction requests. James Chen attempts to post the bond for Shih but arrives at the Immigration Office too late.

Overtures Begin

August 5—James Chen posts the bond and Mr. Shih is released. At approximately 3:00 p.m., Nordmark returns a phone call to Amoi Chen at the New China Restaurant per her prior telephonic request. Mrs. Chen asks a few questions regarding Mr. Shih and his work status now that he is on bond. She states that she does not want any problems with immigration, and asks Nordmark if he intends to come back to her restaurant. When he states that he will because he is still looking for Mr. Chiou, Mrs. Chen tells him that if he will not come back she will, "make it very, very good for you." Mrs. Chen repeats herself and places heavy emphasis on how "good" she will make it for Nordmark if he will not return to her restaurant.

Nordmark, recognizing this as an obvious attempt at bribery, immediately reports the incident to Patrol Agent In Charge, Floyd B. Mohler, Jr. Mohler tells Nordmark and McClafferty that the incident has to be reported to the FBI and the Chief Patrol Agent. Mohler, Nordmark and McClafferty report the incident to Chief Patrol Agent Leon D. Ring within ten minutes. Mohler advises the Chief

that he will contact the FBI on his behalf and advise them of the attempted bribe. Mohler calls FBI Agent Colin Dunnigan and discusses the case with him briefly. When Dunnigan indicates that he is interested in pursuing the matter, Mohler turns the phone over to Nordmark. Dunnigan, Nordmark and McClafferty make arrangements to meet at the FBI office on August 6 to plan the investigation.

August 6—The meeting, (between Dunnigan, Nordmark and McClafferty) takes place and plans are formulated to pursue the investigation. As consensual monitoring approval previously had been obtained from the Department of Justice, the first of many telephone conversations between Nordmark and Amoi Chen is recorded by the FBI. During this conversation, Amoi Chen makes arrangements with Nordmark to meet her at her restaurant on August 9. She tells him to meet her after work and to come alone.

August 9—Prior to the first undercover meet, Dunnigan, Nordmark and McClafferty meet Assistant U.S. Attorney Jon R. "Rick' Cooper and advise Cooper of the status of the case. Nordmark is given instructions on how to avoid allegations of entrapment in his undercover role. As the case develops, these instructions prove to be invaluable.

The Payoffs Start

August 9—Nordmark meet Amoi Chen at her restaurant at approximately 3:00 p.m. She is very nervous and talks about a variety of subjects. Suddenly she shoves a sealed envelope across the table to Nordmark, telling him that the contents of the envelope are to keep him from checking her restaurant and to cease looking for Mr. Chiou. The envelope contains $200. Amoi admits knowledge of the illegality of her actions. She says, "I know this is against the law." Nordmark replies, "You do?" and Amoi says, "Yes, I do!"

A frigthening moment came when just prior to Nordmark's departure, Amoi sees a lump under his shirt and says, "Are you recording me?" She lifts Nordmark's shirt discovering his firearm in a holster on his belt. He says, "No, this is just my gun." [Nordmark is extremely nervous about this incident since a tape recorder is in fact located between his firearm and his body! The first undercover role is always the toughest.]

[August 9 to August 20—Four telephone conversations are held between Amoi and Nordmark, and another meeting is held on the afternoon of the 20th with Amoi at the New China Restaurant.]

August 17—An illegal alien CHUNG-CHING Tao is arrested by INS officers at the Old Peking Restaurant, and is processed for Order to Show Cause and Warrent of Arrest, with bond set at $5,000. Amoi is upset and complains that she is paying Nordmark for protection. She is told that her payments are for her restaurant only.

August 20, 3:00 p.m.—Another meeting is held with Amoi at her restaurant. Amoi asks Nordmark if he knows anyone who can help her get her "green card." She tells Nordmark that she is tired of paying an attorney to get extensions of her E-2 status and will pay him "nice money" if he can help her and her family get valid "green cards." She also asks if he will have to pay other immigration officials to obtain the documents. She pays Nordmark $100 and gives him a bottle of wine.

August 20, evening—A D-1 abscondee, is encountered by McClafferty, fleeing through the back door of the Old Peking Restaurant. A foot chase ensues over the rooftops of two buildings, a fence, and down an alley, culminating when McClafferty finally overtakes the alien about one block from the restaurant. The subject resists arrest in the presence of two FBI agents who are serving as back-up officers on the undercover operation. As McClafferty is placing the suspect in the car, the suspect runs up the side of the car, flips over backwards and attempts to climb over the wall on the other side. The FBI assists McClafferty in subduing the suspect and placing him in the vehicle.

All of this activity did not go unnoticed, however as a local citizen who witnessed the incident reports to local authorities that someone is trying to "kidnap a Chinaman" in the alley. Tucson Police Officers respond, accompanied by helicopter assistance. The FBI agents identify themselves to the local officers, advising them that an undercover operation is underway. The local officers withdraw from the scene.

Others Enter the Picture

August 23—Nordmark receives a phone call from Amoi requesting a 3:00 p.m. meeting with him at the New China. Nordmark meets with her and agrees to arrange immigration documents for she and her family for $1,500. She says she wants valid cards, not fraudulent documents. In addition, she indicates she is attempting to set up a guild, to provide protection from immigration checks, by collecting money from all Chinese restaurant owners in the area to pay Nordmark not to check the restaurants. She says she is willing to broker Nordmark's services to approximately 20 other Chinese community members.

August 24—The owner of the Old Perking Restaurant, Mr. Jerry CHAO, telephones Nordmark and McClafferty at the Border Patrol Station and invites them to the wedding of the D-1 abscondee whom McClafferty had just arrested on August 20th. (The alien was not in Service custody at that time, but was out on $5,000 bond.) Assistant U.S. Attorney Cooper and FBI Agent Dunningan advise Nordmark and McClafferty to attend the wedding in hopes that further information regarding a possible guild and other possible principals in the conspiracy can be obtained.

During the wedding ceremonies, Nordmark and McClafferty are photographed repeatedly by various Chi-

nese in attendance. At one point they are accused, by Jerry and George CHOA of working for tha FBI; Nordmark and McClaffarty counterad by charging their accusors of affiliation with the FBI. This puts the Choa brothers off balance, and seemingly removes a lot of doubt about the role Nordmark and McClafferty are playing. The Chinese become more convinced that they ara actually on the take. In tact tha Choa's offer both agents an all expense paid trip to Taiwan. At the wedding Nordmark and McClafferty also meet Edie JONAS. Edie physically removes Nordmark's hand from his face so that she can photograph him. Sha asks Nordmark for his phone numbar so that sha can contact him regarding some immigration problems. [Edia Jonas avantually becomes tha main subject in yet another conspiracy.]

[After tha wedding, Nordmark and McClafferty encounter their photographs in virtually every Chinese restaurant they anter. They are frequently met at the front door when conducting restaurant checks and greeted by name by total strangers. On one such instance, they are met by Jimmy GEE, tha owner of the Imperial China Restaurant, who says, "I know you!" and shows them a pictura of themsalvas which he has in his wallat. It becomes avident that Amoi and James Chen ara brokering tha ill-gotten sarvices of an Immigration Officer. From August 24 until thair arrest on Decembar 7, Amoi and James Chen pay Nordmark $6,150 to arranga for valid, though illegally obtained, immigration documants for the Chen family and four othars. The others includa CHIU Kai, B-2 ovarstay, CHEN Liu, F-1 out of status, TSAI-SHIH Pao, B-2 overstay, and CHIOU Chuang-Tien. Tha guild pravlously mantionad by Amoi never develops bacause tha restaurant owners refuse to have a face to face meeting with Nordmark.]

Second Conspiracy Unfolds

September 7—Edie Jonas contacts Nordmark to arrange a maating for that same day. Nordmark meets Edie at a local restaurant at 3:00 p.m. where she discusses her sister's immigration status. Nordmark, after reviewing an approved I-130 petition, tells her that everything is in order and that the sister need only wait until her visa is mailed to her. Edie then asks Nordmark if he knows of a way to get "green cards" without waiting a long time. Nordmark asks her who told her he could do illegal things like that. She refuses to tell him. She says she knows because she is very smart. Nordmark terminates this meeting when she refuses to reveal her source of information. [It is evident that Amoi Chen has spread the word, but it is difficult to get anyone to admit it.] Nordmark talls Edie that he will not discuss illegal activities with her in a public place; if she wants to discuss anything alse, they will have to meet in private.

September 8—Edie calls for another meeting which takes place in a secluded booth at the same restaurant. Edie statas from the beginning, "Listen I'm serious. Can you help in immigration problems with people?" Nordmark replies that the things he does and the way those things are done ara illegal. Nordmark asks Edie if she realizes that the things he does are illegal and she replias, "I know it is! What do you think I am? Stupid?" He advisas her several more times that the things she is asking him to do are illegal and that they would both go to jail if they are caught. She persists until he finally tells her that he can help. Edia discusses a marriaga fraud she is considering entering into for $5,000. She wants to know if Nordmark can immigrate her new spousa as soon as possible because she is afraid her $5,000 spousa might make a community property claim against her astata. She states that she doesn't want to be "stuck with garbage."

Threat of Death

September 10—CHEN Liu (one of the four for whom the Chans paid Nordmark to arrange for lagal documents), and Amoi and James Chen, and Nordmark have a meeting in the office of the New China Restaurant. Chen Liu warns Nordmark not to eat in any Chinese restaurants because the restaurant owners are angry about the number of Chinese cooks being arrested and deported, and that poison may ba placed in Nordmark's food. After Chen Liu leaves, Amoi tells Nordmark that if anything goes wrong she will kill him. Nordmark asks, "You wouldn't kill me, would you?" James Chen answers, "Yas! You will be dead ten times over!"

September 14—Edie raquests another maeting at the usual meeting place. She makes arrangaments to immigrate CHUNG-CHING Tao, (tha B-2 ovarstay, arrested by INS at the Old Peking Rastaurant on August 17), and a Chinasa family that is located in Oklahoma.

September 23—Edie contacts Nordmark at the Tucson Station and warns him to advise his partner that people are watching them, following them, and waiting for them at different places within the Chinese community. She doesn't know if they intend to do them bodily harm or not, but she wants to alert them. [It is later datarmined that Nordmark has actually been fed ground glass by the Chens on two occasions, while meeting with tham on September 3 and 7. This information is not discovered until January 1983 when the FBI receives the Chinese translations of a meeting held on September 10 in which the Chens discuss tha incidants in Chinasa while conducting more illagal businass with Nordmark. James Chen cautions his wifa Amoi not to talk about it bacausa they could get into trouble.]

October 11—Edia contacts Nordmark and advises that tha paople from Oklahoma are in Tucson and raady to do business. A meeting is set for October 12.

October 12—The meeting is hald between Edia, LIN A-Wan, a B-2 ovarstay, his family, and Nordmark.

Documents, finances and waiting periods are discussed. A price of $2,000 is agreed upon. Subsequent meetings complete the financial transactions with this family.

October 30—A meeting takes place between Edie, CHUNG-CHING Tao, and Nordmark. A price of $1,500 is agreed upon to furnish bogus immigration documents. During two subsequent meetings, the financial transactions are completed.

Other Unlawful Plans Surface

November 15—A meeting is held between Edie, CHUNG-CHING Tao, and Nordmark at the Solarium Restaurant. During this meeting, Edie and Tao discuss their plans to organize and set into motion a ring for smuggling Chinese businessmen and Chinese prostitutes into the United States. They also discuss Edie's plan to lure unsuspecting Anglo females into a white slavery ring for use as prostitutes in Taiwan. She states that once they leave the United States, they will never be heard from again. They also discuss setting up a bank account for Nordmark in London, England, so that his income will be easily disguised. They are going to immigrate three to five Chinese per month at a rate of $6,000 each to be split equally between Nordmark and his co-conspirators.

In separate negotiations, Amoi Chen contacts Officer in Charge, William N. "Bill" Johnston at the Tucson Immigration Office to make arrangements to meet with him in private to discuss immigration matters. [Mrs. Chen is not aware that Johnston has been working with the U.S. Attorney's office, the FBI, and the Border Patrol from the early stages of the investigation. He has in fact been present at several strategy meetings regarding the continuing investigation, its purposes and goals.]

November 1 and November 4—Amoi Chen meets with Johnston and pays him a total of $2,000 to get legal but fraudulently obtained immigration documents for a Chinese cook. [She also discusses a variety of other matters and is so flagrant in her bribery that she compounds her guilt and knowledge of her illegal acts with every succeeding statement.]

The Final Step

It is determined that the evidence gathered in the course of the investigation is sufficient to seek indictments against the individuals involved in the two separate conspiracies. Thus, the investigation is finally brought to a close on December 7, 1982, when the Federal Grand Jury returned indictments against the nine principals. A coordinated effort between the U.S. Attorney's Office, FBI offices in Tucson and Lawton, Oklahoma, INS suboffices in Tucson and Oklahoma City and the Tucson Border Patrol, resulted in a perfectly executed simultaneous arrest of every suspect.

During the months of investigation, tape recordings were made of every undercover meeting and phone conversation between the principals, and Nordmark and Johnston. Transcriptions of the tapes amounted to more than 1,500 pages. In addition, surveillance operations conducted by Nordmark, McClafferty and the FBI uncovered additional leads which tied those principals to known organized crime figures engaged in money laundering, and other illegal acts, and this investigation is still underway by the FBI. Numerous other violations were uncovered and have been referred to the appropriate agencies, such as the Internal Revenue Service, Drug Enforcement Administration, and U.S. Customs, for further investigation.

The principal defendants in the separate conspiracies were ultimately found guilty by jury trial. Amoi and James Chen were the principals in conspiracy number one. Amoi was charged with 12 felony violations and was convicted of 11 of the counts on May 11, 1983. Her husband, James was charged with four felony counts and was convicted of all four during the same trial. Each were sentenced to two years imprisonment and five years probation. Four other defendants in this conspiracy have entered into plea bargain agreements with the U.S. Attorney's Office.

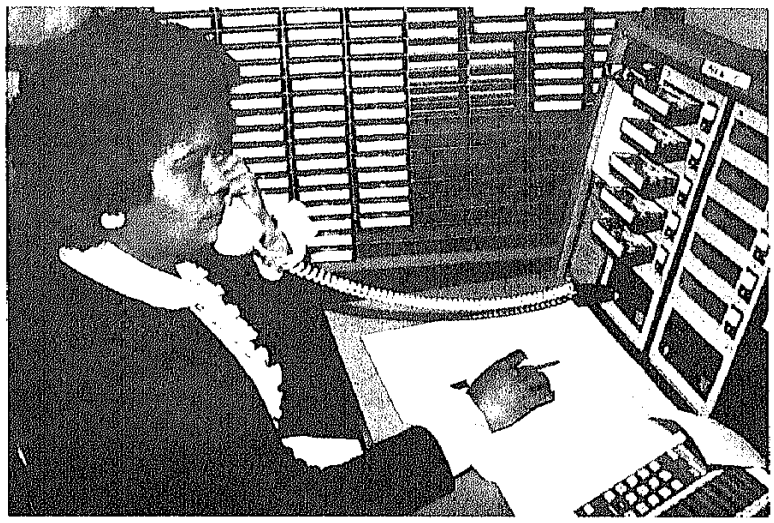
In an earlier trial on February 25, 1983, the principals in conspiracy number two were tried by jury. Edie Jonas was convicted on all four counts and co-defendant, CHUNG-CHING Tao, on two counts. Both were sentenced to serve one year, with two years probation. LIN A-Wan was acquitted because the jury felt that his English language skills were not sufficient to make him fully aware of the illegality of the acts he committed.

During the prosecution of both conspiracies, it was necessary for the government to defend approximately 150 motions made by defense counsel. Prosecution was further hampered when it was discovered that the Chens were attempting to tamper with witnesses against them by offering bribes and using coercion.

Assistant U.S. Attorney "Rick" Cooper stated that this is the best case he has prosecuted in his 16 years as a prosecutor. FBI Agent Dunnigan and his supervisor, Resident Agent Rogers, agreed that this is the best bribery case the FBI has ever been involved in within the State of Arizona. Each Federal Judge who tried the conspiracy cases praised the professional manner in which the investigation was handled from start to finish. The entire operation could not have taken place without the excellent cooperation, coordination, and problem solving abilities of all agencies involved. ■

egional Telephone enters—A Pilot rogram

James Emmett Hagerty
ief, *Public Contact Section*
ecords Systems Division
ntral Office



The core of the Regional Telephone Service Center is the ASK IMMIGRATION tape library system. With this system, one of six INS librarians can provide callers with taped responses to 50 of the most commonly-asked immigration queries.

er the past several years, the rvice has been engaged in a num- r of programs aimed at improving r service to the public. Among the st important of these activities has en the effort to improve our ability provide prompt and responsive in- mation to members of the general blic who seek assistance by tele- one. This year, the Commissioner phasized the commitment to this al by including the enhancement of e Service's telephone responsive- ss as one of his 1983 priorities.

e beginnings of the telephone im- vement program can be traced to 78 when automatic call answering uipment was installed as part of e Houston Model Office Project d subsequently expanded to other strict Offices. These devices an- 'ered and held calls automatically, sponded to the caller on hold with e-recorded general information, ch as office hours and forms line mbers, and transferred calls se- ntially to the next available Con- t Representative.

se initial efforts were vastly im- ved upon the following year with installation of the first ASK IMMI- ATION taped library systems in s Angeles and Miami in the fall of 9 (See INS Reporter, Winter 9-1980 for a description of both these efforts). The system is based on the fact that most callers are seeking general information which can be answered more efficiently and with unerring accuracy by pre-recorded taped messages which are available in several languages. When a caller dials the ASK IMMIGRATION number, they are answered with a brief message (45 seconds) which provides them with the district office location, office hours, forms line number and other locally pertinent information, if appropriate. Many callers are satisfied at this point and leave the system. At the conclusion of this up-front tape, however, callers are advised to stay on the line if they desire additional information.

At this time, the caller is asked the subject of his/her inquiry by an INS tape librarian. If their question is a general information request, the caller will be provided with one or more of a series of three-minute tapes which provide answers to 50 of the most commonly-asked immigration inquiries. Such questions include, for example: "How do I replace my lost Alien Registration Card?"; "How do I obtain a visa for a relative?"; or "What are the residence requirements for citizenship?" If the tape librarian determines that the caller's question cannot be answered by tape or, if the caller is not satisfied by the taped response, the call is transferred to an experienced Contact Representative who can provide individualized responses tailored to specific situations. To date, experience has shown that 65–70 percent of the public's questions can be satisfied by the taped messages.

ASK IMMIGRATION systems have now been installed in 10 INS offices (Chicago, Dallas, Houston, Los Angeles, Miami, San Antonio, San Diego, San Francisco, Tampa and Washington, D.C.), and are scheduled to go into Atlanta and Seattle by September 30, 1983. The system has greatly enhanced INS telephone response capability, increased productivity and has received widespread approval from the INS calling public. It was only a matter of time before its success led to the next major milestone in the Service's telephone improvement strategy.

This new phase began in June of this year when, building on the ASK IMMIGRATION system, a dedicated tel-

ephone service center (no walk-in traffic permitted) was established which could respond centrally to general information inquiries normally received in several INS District offices. Presumably, by referring these calls to a centralized location, the public would receive better service, and the need for public visits or write-ins to INS offices would diminish. At the same time, Information personnel would benefit by the decrease in information calls and public visits, thus allowing more time to process and assist persons with complex questions or problems.

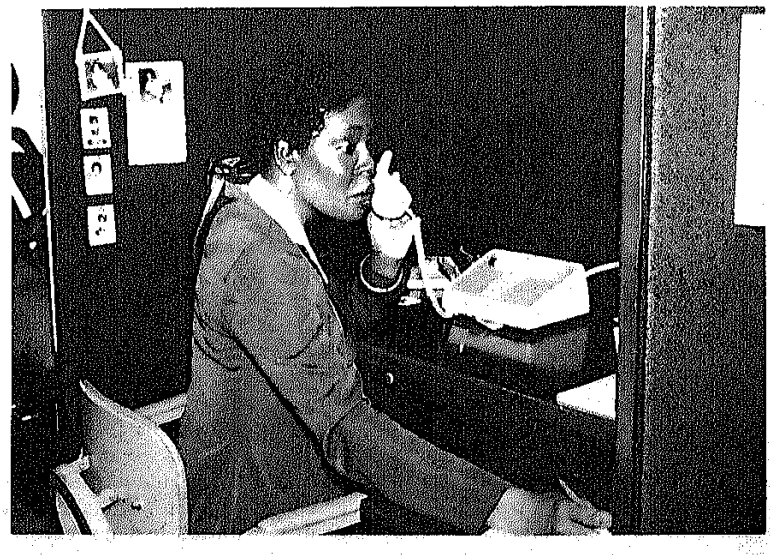
Thus, on June 20, 1983, the Eastern Region Telephone Service Center prototype began operations in Philadelphia, to test the feasibility of a centralized telephone service. The test Center is scheduled to operate for a six month period, and is equipped and staffed to handle general information calls originating in the New York, Newark and Philadelphia District Offices. When callers dial the Service's information numbers in these cities, the calls are automatically routed to the Center for response by the ASK IMMIGRATION system. Under this system, the Center is able to handle a much higher volume of calls than was previously possible at the individual offices.

The Center is equipped with five ASK IMMIGRATION consoles which handle 20 incoming lines from New York City, 15 from Newark and 10 from Philadelphia. It is staffed with six tape librarians who were hired locally (temporary appointments) in Philadelphia and six experienced Contact Representatives, usually from the three involved District Offices, who serve on 30-day details to the site. The supervisor of the operation is a staff member of the CO Public Contact Section, Records Systems Division who is on a 6-month detail to the prototype.

Perhaps the most important part of the prototype test will be an indepth, contractor-assisted analysis of the operations, which will include recommendations on what INS' future telephone service network should look like. Experience to date demonstrates clearly that some degree of centralized services should be our strategy and the results of this pilot project will provide us with the data to control our own destiny. Their report will provide detailed information about the volume and nature of calls, the adequacy of the prototype design, the cost and operational impacts on District Offices and a blueprint for the years ahead.

The results of the first month of prototype operations have proven that the planning assumptions which led to the test were well-founded. During the two-week period of July 4 through July 15 (which included a holiday), 19,000 calls were received at the Philadelphia location. Of these, only 1,451 (less than 8 percent) had to be referred back to the originating District Office as the caller's question was a problem requiring action by the District Office having jurisdictional authority over the issue (e.g., pending deportation matters). Nearly 30 percent of the callers received needed information by the conclusion of the up-front introductory tape, and 24 percent were satisfied upon hearing one of the 3-minute subject matter tapes. Only 38 percent of the callers had to be transferred to a back-up Contact Representative and, as the tape librarians become more skillful in determining the caller's needs, this total should be reduced to the 30 percent level which has been achieved at other ASK IMMIGRATION sites.

During this same two-week period, the first of three caller surveys was also completed and the answers to one of the survey questions should be of particular interest to all District



Experienced Contact Representatives are assigned to the Center to provide additional information and guidance should the caller not be satisfied by the taped response.

Offices. When callers were asked, after hearing a subject matter tape, if the information received would save them a trip to their local INS office, over 80 percent responded positively. This is good news for those in the Service who arrive at work in the morning to view a long line of INS clients waiting for the doors to open.

The ASK IMMIGRATION and Regional Telephone Service Center experiences have demonstrated the important role that technology can play in helping us to meet our public service mandate. No longer need we choose between answering the telephone or providing over-the-counter assistance. As the first caller survey has shown, a responsive telephone services program can greatly reduce walk-in traffic and permit us to do both. In short, it brings the reality of service to the Service. ■

Foreign Student Regulations Effective August 1

The new student regulations, designed to give the Service better control over foreign students in the United States and over schools approved for attendance of foreign students, go into effect on August 1, 1983.

This is a major revision of the regulations which has required considerable and careful evaluation to arrive at the best possible procedure for administering the student program. The final regulations, which were published in the Federal Register at 48 FR 14575 on April 5, 1983, were drafted expressly for implementation in conjunction with an automated data base developed for their enforcement.

The proposed rules were published on May 28, 1982, and the 30-day public comment period was to end on June 28, 1982. However, due to requests for additional time within which to comment, the Service extended the comment period for an additional 30 days until July 27, 1982.

Some 82 individuals and organizations submitted written comments on the proposed regulations and after careful analysis of all of the comments, six major areas of concern were identified. Following is a discussion of those concerns and the reasoning which led to the final rule changes in each area.

Duration of Status

Under prior regulations, a student was admitted for or otherwise granted the period of time necessary to complete the course of study indicated on the Certificate of Eligibility, Form I-20A, issued by the school the student planned to attend. Under the proposed regulations, an F-1 student would be admitted for duration of status, which would be the period of time during which the student is pursuing a full course of study in one or more educational programs and any period or periods of authorized practical training, plus thirty days.

The majority of those commenting were generally in favor of the proposal, seeing it as a means of eliminating burdensome paperwork. Those against it were concerned about a perceived lack of control over F-1 students.

Under § 214.2(f)(5) of the final rule, the Service is reinstituting the policy of duration of status for F-1 students but is limiting duration of status to the period of time during which the student is pursuing a full course of study in only one educational program (e.g. elementary school, high school, bachelor's degree, or master's degree) and any period or periods of authorized practical training, plus thirty days. A student desiring to pursue a course of study in another educational program must apply for an extension of stay, and, if applicable, a school transfer. Furthermore, a student who has completed one educational program and who desires to complete another educational program at the same level of educational attainment (for example, a second master's degree) must also apply for an extension of stay and, if applicable, a school transfer.

The duration of status policy has several advantages. It will reduce the Service workload and eliminate unnecessary paperwork for the public. A bona fide student who does not complete a course of study on the expected date of completion indicated on Form I-20A because of illness, academic difficulties, change in major field of study, or school transfer does not need to apply for an extension of stay as under prior regulations.

The new policy also provides more control over F-1 students than the proposed procedure. Furthermore, the Service is instituting a procedure with a student and schools enhancement to its new computerized recordkeeping system which will monitor students in duration of status with a minimum of paperwork. Under the procedure, the schools will be sent computer-generated lists of students Service records indicate are attending the school. The designated school officials will then be requested to indicate whether each student listed is pursuing a full course of study. Appropriate action will be taken regarding those students who are not pursuing full courses of study.

The decision to return to duration of status is based on the results of the Iranian Student Registration Program, which involved the largest group of students in the United States from any one country at the time it began. As of May 18, 1981, 88

percent of these students were found to be in status including 3.6 percent who have been reinstated. Duration of status had been in effect from the beginning of the registration program on November 13, 1979 until February 23, 1982.

The Service therefore has reason to believe that, with the extra control afforded by limiting duration of status to one educational program, coupled with the Service's computerized recordkeeping system, the new duration of status policy will receive excellent control over F-1 students with greatly reduced paperwork.

School Transfer

Under prior regulations, students desiring to transfer from one school to another had to apply to the Service for permission to do so. Under the proposed regulations, no application would be necessary for an F-1 student to effect a school transfer. The designated school official at the old school would be responsible for all the necessary paperwork.

Those in favor of school transfer as a notification procedure were impressed with its efficiency. Those opposed to it were concerned not only about a perceived lack of control over F-1 students, but also about a claimed conflict of interest. Some even suggested that the procedure involves an illegal delegation of authority.

Under § 214.2(f)(8) of the final rule, the Service is instituting school transfer within the same educational program as a notification procedure, but with a change in the procedure. The designated official at the old school does not have sole responsibility for the paperwork involved. The designated official at the new school shares in that responsibility. Furthermore, the student must report the

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and illegal delegation of authority are based upon a misunderstanding of the transfer procedure, which is only a notification procedure and does not involve any adjudication on the part of the school official. The official will make a recommendation, but this recommendation is nothing more than an advisory opinion to be used by the Service in determining which students should be interviewed concerning their status.

Permitting school transfer without an adjudication will not cause the Service to lose control over F-1 students. Failure to notify the Service that an F-1 student intends to transfer to another school is a new ground in the regulations for withdrawing the approval of a school. Furthermore, the school officials' recommendations will assist the Service in locating F-1 students who are not maintaining their status.

In addition, the Service is planning to institute procedures for looking into the cases of students whose Forms I-20A indicate that they may not have sufficient resources to pay for all costs at the schools to which they transfer and of students who transfer more than a certain number of times. The purpose in so doing is to ascertain whether these students are bona fide nonimmigrant students.

One comment suggested that school transfer not be permitted until the student has attended the old school for at least one term. Other comments were opposed to requiring a student to apply for reinstatement to student status if the student has not been pursuing a full course of study at the school the student was last authorized to attend but desires to transfer to another school.

No purpose would be served by requiring a student to attend the old school for one whole term prior to being permitted to transfer to another school provided that it is possible for the student to transfer to another school before completing the term. For example, different schools could have terms that begin at different times. A student who has not been pursuing a full course of study at the school the student was last authorized to attend, however, is out of status and should be required to apply to the Service for reinstatment to student status. Furthermore, it would be difficult to maintain control over F-1 students with school transfers not being adjudicated by the Service if out of status students were permitted to transfer without any contact with the Service. For an out of status student reinstatement is the most appropriate procedure for that contact.

Off-Campus Employment Authorization

Prior regulations permitted students to apply for employment authorization based upon economic necessity at any time. Under the proposed regulations, F-1 students would not be permitted to apply for employment authorization during their first full year in the United States.

The comments on this provision were varied, with some in favor of the work bar and others opposed because they felt it would be harsh in those cases of genuine emergency. Others suggested the work bar apply only during the first academic year and not during the first full year, while still others favored limiting off-campus employment authorization or eliminating it all together.

Section 214.2(f)(9)(ii) of the final rule institutes the proposed provisions on off-campus employment without any substantive change. The reason for imposing a work bar on F-1 students during their first full year in the United States is that applicants for student status must furnish documentary evidance of their ability to support themselves during that year. Moreover, an application for employment authorization is normally denied during the student's first year in the United States. This provision eliminates frivolous applications for employment authorization.

Under the circumstances, the provision of off-campus employment which the Service is instituting is reasonable. The more stringent provi-

sions suggested, however, would be unduly harsh. On the other hand, the requirement that the student demonstrate economic necessity and that the Service authorize off-campus employment minimizes any adverse effect on the employment of United States resident students seeking employment.

Practicel Trainlng

Prior regulations required that students apply to the Service for permission to engage in practical training. The proposed regulations would permit designated school officials to grant practical training authorization for F-1 students.

The majority of the individuals and organizations commenting on this provision were generally in favor of designated school officials authorizing practical training for F-1 students. They saw it as an efficient means of elimlnating paperwork and delays in granting benefits. Those opposed felt it involved a conflict of interest. Some, as in the case of the school transfer proposal, suggested that it was an illegal delegation of authority.

In addition, comments were received in opposition to the proposal to require that students have job offers before they may be granted permission to engage in practical training. The primary reason for the opposition was that it would be virtually impossible for students to obtain a definite job offer without first obtaining permission to engage in practical training.

The Service has decided not to adopt the proposal to permit designated school officials to grant practlcal trainlng authorization to F-1 students. The Service will continue to adjudicate applications for practical training for thesa students. The proposed regulation did raise concerns regarding the propriety of delegating decision making to individuals outside the Service. Unlike the provision on school transfer for F-1 students as a notification procedure, the proposal on practical training would have required an adjudication on the part of the designated school official. Moreover, the proposed provision would have lent itself to fraud in obtaining work-authorized social security cards.

As a result of the comments on these issues, the Service is also not adopting the proposal requiring that F-1 students have job offers before they may be granted practical training authorization, and the Service is adding a provision to § 214.2(f)(10)(i) under which practical training may be authorized for an F-1 student during the student's annual vacation if the practical training is recommended by the designated school official as beneficial to the student's academic program. This provision, however, does not increase the total months of practical training which may be authorized.

Various suggestions were made which the Service is not adopting that practical training be eliminated for some or all students. The Service believes that restrictions of this type would impede the development of knowledge and skills which occurs through meaningful practical training experiences and their subsequent transfer to other countries.

Provisions on M-1 Students

Under the proposed rule, M-1 students would be admitted for the period of time necessary to complete their courses of study plus thirty days or for one year, whichever is less. Applications would have to be made for extensions of stay, school transfer, and practical training. School transfer would not be permitted efter a student has been in M-1 status for six months unless the student is unable to remain at the school to which initially admitted due to circumstances beyond the student's control. M-1 students would not be permitted to accept employment except when employment for practical training is authorized. Employment for practical training would never exceed six months. An M-1 student would not be permitted to change educational objective. An M-1 student would be eligible for reinstatement to student status, if, among other things, the student's violation of status occurred because the school to which the student was admitted ceased operation or the student was unable to pursue a full course of study due to illness. Furthermore, under the proposed rule, an M-1 student would use a Certificate of Eligibility for Nonimmigrant (M-1) Student Status, Form I-20M-N, on which the student would have to certify that the education or training which the student receives in the United States can be utilized in the student's home country and that a course of study of comparable quality and cost is unavailable to the student in the home country.

The proposed rule also provided for denial of a change of nonimmigrant classification to that of an M-1 student if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of classification as an alien temporary worker under section 101(a)(15)(H) of the Act. 8 U.S.C. 1101(a)(15)(H), for denial of a change of classification from that of an M-1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M-1 student enables the student to meet the qualifications for temporary worker classification, and for denial of a change of classification from that of an M-1 student to that of an F-1 student.

A few comments were received on the proposals concerning M-1 students. These comments stated that the M-1 proposals were overly strict.

The Service is implementing most of the proposals on M-1 students. This is in accordance with the legislative intent that the regulations relating to M-1 students be strict. In House Report 97-264 dated October 2, 1981, which accompanied Public Law 97-116, the Committee mekes it quite clear that the legislative intent of section 101(a)(15)(M)(i) of the Act

relating to M students was to afford maximum control over this group of students. The report refers to testimony by the Department of State before the Subcommittee on Immigration, Refugees, and International Law in the 94th Congress regarding "the high percentage of foreign students enrolled in vocational educational programs in fields of little or no applicability to their own country." The purpose of the separation of students into two classifications was to permit closer scrutiny of length of stay and employment abuses by nonacademic students. Furthermore, the report states that the "Committee has retained language programs in the current 'F' category on advice from INS that such schools comply with INS regulations and reporting requirements." Since the Committee noted a difference in compliance with Service regulations by the two groups of students, they obviously intended the provisions relating to those two groups of students to be different.

The limitation on the admission period for M-1 students and the requirement for filing applications for extension of stay, school transfer, and practical training are intended to afford maximum control over M-1 students. The prohibitions against a change in educational objective and against transfer to another school after six months in the United States are intended to control abuses by students who attempt to prolong their stay in the United States by making unnecessary changes in educational objectives or schools. The limitation on the amount of practical training that can be authorized recognizes that most M-1 students come to the United States for shorter periods of time than F-1 students. It also ensures against abuse of the M-1 classification as an easy way to come to the United States to work, as does the prohibition against employment for practicel training. The proposed prohibitions against certain changes in nonimmigrant classification ensure against the use of the M-1 classification to obtain another nonimmigrant classificetion.

Nevertheless, in this rule, the Service is tempering the strictness of some of the provisions. In § 214.2(m)(16), M-1 students are permitted to apply for reinstatement to student status on the same basis as F-1 students. This recognizes the needs of certain students in deserving cases. The requirement that an M-1 student be offered an actual job before being eligible to apply for practical training is not being adopted in § 214.2(m)(14)(ii) for the same reason that it is being eliminated for F-1 students, namely the difficulty in finding a job without having permission to work. The requirement for a certification on Form I-20M-N that the education or training which the student receives in the United States can be utilized in the student's home country and that a course of study of comparable quality and cost is unavailable to the student in the home country is also not adopted because of the difficulty in administering it.

Recordkeeping and Reporting Requirements

The proposed regulations would clarify the requirements of approved schools for recordkeeping and making the required records available to an immigration officer upon request. These records would pertain solely to F-1 and M-1 students and would contain information necessary for determining whether they are in status as bona fide students. The proposed regulations also would require that the schools report each new F-1 and M-1 student who registers.

Some commenters expressed concern that furnishing the information required by the regulations would cause them to violate the Family Educational Rights and Privacy Act of 1974 or Buckley Amendment (Section 438 of the General Education Provisions Act, as amended by Pub. L. 93-568, 20 U.S.C. 1232g, December 31, 1974).

A number of persons and organizations were generally against or concerned about the recordkeeping or reporting requirements, or both. They felt, among other things, that records on foreign students should more appropriately be kept by INS, that the Service should already have the necessary information in its records, and that the information goes beyond that needed to determine whether students are maintaining nonimmigrant status. In addition, some persons were opposed to the requirement for reporting new students who register on the grounds that this is burdensome, or that this is unnecessary because the schools must also report students who do not register.

Section 214.3(g)(1) institutes the recordkeeping requirements as proposed with the changes discussed below. The Service believes that these requirements will enhance the Service's ability to monitor the foreign student program. This regulation, however, is really a clarification of an existing requirement, since the consent on Form I-20 already authorizes schools to give the Service any information from the student's records necessary to determine if the students are maintaining their status. As suggested in one comment, a provision is added in § 214.3(g)(1) that if a student who is out of status is restored to status, the school the student is attending is responsible for maintaining records on the student. Employment authorization is removed from the recordkeeping requirements as suggested in three comments. The schools may not have this information since the Service will continue to adjudicate applications for off-campus employment. Country of citizenship is added as suggested in two comments. Otherwise, a school would possibly not be able to comply with a request for lists of students by country of citizenship if such a request should be necessary. In addition, as suggested in one comment, a requirement is added that the schools keep on file the student's application for admission to the school and the supporting documents referred to in § 214.3(k)

The Service is not adopting the requirement that the schools report within sixty days of each registration period each new student who regis-

ters and the requirement that the schools report individual students on Forms I-20B and I-20N. Instead, § 214.3(g)(2) requires that the designated school officials update computer-generated lists of F-1 and M-1 students attending the schools when the Service sends the schools these lists. A recordkeeping requirement is added in § 214.3(g)(1) that schools maintain information necessary to identify each student, such as date and place of birth, and to determine the student's immigration status.

The requirement for updating lists of students in order to update Service records will be far less burdensome for the schools and the Service than having the schools make separate reports on each new student who registers and individual reports on Forms I-20B and I-20N. With respect to the suggestion that schools provide their own rosters of all F-1 students, this procedure would not be acceptable because it would not be in the appropriate format for Service needs.

While some of the information which the Service is requiring the schools to maintain in their records will be available in Service records, not all of it is available and must be furnished by the schools. The Service is asking the schools to verify and update the other information to insure the accuracy of Service records. The Service may not have current information on students in duration of status who may not come into contact with the Service for long periods of time; it is therefore important for the schools to keep records on these students.

Most schools normally keep records on students in attendance. It is consequently neither unreasonable nor unduly burdensome for the schools to keep records on the immigration status of their F-1 or M-1 students. It should be noted that all the information the schools are being requested to keep is directly related to the immigration status of their F-1 or M-1 students. ■

Changes in the Regulations

Under Title 8, Code of Federal Regulations, consult:

48 FR 16878, April 20, 1983, Sec. 238.3, Contracts with Transportation Lines.

48 FR 19153, April 28, 1983, Secs. 103, 204, 205, 212 and 214, Interim rule for the immigration to the U.S. of certain Amerasian children of U.S. citizen fathers.

48 FR 19157, April 28, 1983, Sec. 238.3, Contracts with Transportation Lines.

48 FR 20684, May 9, 1983, Secs. 100, 208, 212, 214, 234, and 245, Miscellaneous Technical Amendments.

48 FR 20898, May 10, 1983, Sec. 238.4, Contracts with Transportation Lines.

48 FR 21548, May 13, 1983, Secs. 231.11 and 231.2, Arrival-Departure Manifests and Lists; Revised Requirements.

48 FR 23159, May 24, 1983, Secs. 212.7 and 214.2(j), Documentary Requirements for Nonimmigrants; Foreign Medical Graduates in Exchange Programs.

48 FR 29465, June 27, 1983, Sec. 109, Employment Authorization.

48 FR 30349, July 1, 1983, Secs. 204, 214, 231 and 235, Miscellaneous Technical Amendments.

48 FR 30609, July 5, 1983, Secs. 212 and 234, Miscellaneous Technical Amendments.

48 FR 31005, July 6, 1983, Sec. 242.2(e), Proceedings to Determine Deportability of Aliens in the U.S.; Notification to Foreign State. ■

New Fee Schedule Effective May 5

The new INS fee schedule adopted by final rule in the Federal Register on April 5, 1983, went into effect May 5. Since, under current law, it is required that a benefit or service provided to or for any person by a Federal agency be self-sustaining to the fullest extent possible, it was necessary that INS amend its fee schedule. Thus, charges have been adjusted to more nearly reflect the current recovery cost of providing the benefits and services, taking into account public policy and other pertinent facts as required by law.

The following table reflects the fees proposed, adopted and those remaining unchanged:

Form/application	Proposed fee	Adopted fee	Action
Form G-641 application	$15.00	$15.00	Adopted as proposed.
For certification	2.00	2.00	Do.
For attestation	2.00	2.00	Do.
Form I-17	50.00	50.00	Do.
Form I-90	15.00	15.00	Do.
Form I-102	15.00	15.00	Do.
Form I-129B	35.00	35.00	Do.
Form I-129F	35.00	35.00	Do.
Form I-130	35.00	35.00	Do.
Form I-131	15.00	15.00	Do.
Form I-140	50.00	50.00	Do.
Form I-191	50.00	50.00	Do.
Form I-192	35.00	35.00	Do.
Form I-193	15.00	15.00	Do.
Form I-198	15.00		U.S. citizen ID card discontinued.
Form I-212	35.00	35.00	Adopted as proposed.
Form I-246	110.00	70.00	Fee remains at current level: jurisdiction with EOIR.
Form I-256A	110.00	75.00	Do.
Form I-290A	110.00	50.00	Do.
Form I-290B	110.00	50.00	Fee remains unchanged.
Form I-485	50.00	50.00	Adopted as proposed.
Form I-506	15.00	15.00	Do.
Form I-538	15.00	15.00	Do.
Form I-539	15.00	15.00	Do.
Form I-570	15.00	15.00	Do.
Form I-600	50.00	50.00	Do.
Form I-600A	Same as I-600	50.00	Increased w/I-600 proposal.
Form I-601	35.00	35.00	Adopted as proposed.
Form I-612	50.00	50.00	Do.
Form N-400	35.00	35.00	Do.
Form N-410	15.00	15.00	Do.
Form N-455	15.00	15.00	Do.
Form N-470	15.00	15.00	Do.
Form N-565	15.00	15.00	Do.
Form N-577	15.00	15.00	Do.
Form N-580	15.00	15.00	Do.
Form N-600	35.00	35.00	Do.
Motion to reopen or reconsider	110.00	50.00	Fee remains at current level.
Request for temporary withholding of deportation	110.00	50.00	Fee remains at current level: jurisdiction with EOIR.
Request for statistical tabulations	Cost	Cost	No change.
Passenger travel tables	7.00	7.00	Do.
N-300/315	15.00	15.00	Adopted as proposed.
N-405/407	50.00	50.00	Do.

ADMINISTRATIVE DECISIONS

(Due to space limitations it is possible to print only an index and identifying paragraph on each precedent decision. Copies of the decisions may be seen at any local office of the Immigration and Naturalization Service. Copies may also be purchased on a yearly subscription basis ($50 per year, $12 extra for foreign mailing) from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The Decisions will be printed later in bound volume form. Volumes of past Administrative Decisions are on sale at the Government Printing Office in Washington. **Note: Decisions missing from the numerical sequence have not at this printing been released for publication.)**

Number 2926–Matter of Durate. In Exclusion Proceedings, A19078551. Decided by BIA, Nov. 1, 1982.

(1) The United States domicile of one who retains his lawful permanent resident status must be considered lawful.

(2) The lawful permanent resident status of an alien is terminated as a result of his commission of an excludable act or the occurrence of an excludable event only upon the entry of a final administrative order of exclusion and deportation. *Matter of Lok*, Interim Decision 2878 (BIA 1981), followed.

(3) An alien who enters the United States while in an excludable class prior to accruing 7 years as a lawful permanent resident does not thereby lose his lawful status nor his eligibility for relief under section 212(c) of the Immigration and Nationality Act, 8 U.S.C. 1182(c). *Matter of M–*, 7 I&N Dec. 140 (BIA 1956), overruled. Dicta in *Matter of Hinojosa*, 17 I&N Dec. 34 (BIA 1979) and 17 I&N Dec. 322 (BIA 1980), superseded.

Number 2927–Matter of Matelot. In Exclusion Proceedings, A26007558. Decided by BIA, Nov. 1, 1982.

(1) An immigration judge's refusal to admit as evidence findings of fact that are contained in a reported federal decision does not deprive an alien of the opportunity to fully present an asylum claim.

Number 2928–Matter of Tanehan. In Sec. 245 Proceedings, A23273236. Decided by Reg. Commr., Nov. 13, 1981.

(1) Adjustment of status under section 245 of the Immigration and Nationality Act, 8 U.S.C. 1255, was not designed to supersede the regular consular visa-issuing processes or to be granted in non-meritorious cases. *Chen* v. *Foley*, 385 F.2d 929 (6 Cir. 1967), *cert. denied*, 393 U.S. .838 (1968).

(2) The determination to grant permanent residence status under section 245 of the Immigration and Nationality Act, 8 U.S.C. 1255, lies entirely within the discretion of the Attorney General. An applicant who meets the objective prerequisites for adjustment of status is in no way entitled to that relief. *Jareche* v. *INS*, 417 F.2d 220 (5 Cir. 1969).

Number 2929–Matter of Valdovinos. In Deportation Proceedings, A21630640. Decided by BIA, Nov. 1, 1982.

(1) Pre-sentence confinement is credited in determining the date of release from custody under section 2900.5 of the California Penal Code and such pre-sentence confinement is counted in determining whether a respondent is a person of good moral character under section 101(f)(7) of the Immigration and Nationality Act, 8 U.S.C. 1101(f)(7).

(2) Where a respondent's confinement for 59 days for his first conviction is added to his incarceration for 132 days in a California minimum security penal institution as a result of his second conviction, he is precluded from establishing good moral character, and thus is statutorily ineligible for voluntary departure under section 244(e) of the Act, 8 U.S.C. 1254(e).

(3) Deportation from the United States is not considered punishment or a criminal process and, therefore, the constitutional protection against double jeopardy which is applicable in criminal proceedings is not applicable in deportation proceedings.

Number 2930–Matter of Quintero. In Deportation Proceedings, A24229344. Decided by BIA, Nov. 16, 1982.

(1) Deferred action status, granted pursuant to Operations Instructions 103.1(a)(l)(ii), is a matter of the District Director's prosecutorial discretion and, therefore, neither the immigration judge nor the Board may grant such status or review a decision of the District Director to deny it.

(2) Deferred action status may be requested at any state in deportation proceedings and, therefore, it was not error for the immigration judge to refuse to adjourn the hearing for an alien to pursue that relief.

(3) The immigration judge's authority to grant voluntary departure does not confer on him the power to accord an alien extended voluntary departure since such authority is within the exclusive jurisdiction of, the District Director.

Number 2931–Matter of Daryoush. In Bond Proceedings, A23527148. Decided by BIA, Dec. 15, 1982.

When an alien who has been released from custody applies to District Director for amelioration of the conditions of bond pursuant to 8 C.F.R. 242.2(b), the District Director must state the reasons for his decision. ■